



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2304558
Applicant Name: Tom Lambright
Address of Proposal: 11354 Durland Avenue NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to construct a garage addition to an existing single family residence.

The following approval is required:

- **Variance** - To allow a portion of the principal structure to project into the required side yard (required 10 feet, proposed 6' 4". Seattle Municipal Code Section 23.44.014C).
- **Variance** - To allow expansion of a nonconforming structure in a SF7200 zone. (Seattle Municipal Code Section 23.42.112A.)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Subject Site and Vicinity

The proposal is located in a Single Family 7200 and is developed with an existing single family residence with basement and attached two car carport. The proposed building site is an approximately 12,400 sq. ft. trapezoid-like shaped parcel located on the southeast corner of NE 115th Street and Durland Avenue NE. NE 115th Street is currently improved with only a driveway access that also crosses the subject property and becomes an access easement for the residence abutting the site to the east. The parcel is currently improved with a one story single family residence with a basement. The site contains a mapped steep slope environmentally critical area at the northeast corner of the site.

The surrounding properties are also zoned SF7200 and most of the properties to the north, east and south of the site are also within steep slope environmentally critical areas as the topography drops down to Lake Washington three blocks to the east.

Proposal Description

The applicant proposes to construct a 500 sq. ft. two car garage and approximately 300 sq. ft. of storage area that will project 3 feet 8 inches into the required 10-foot setback at the most northwesterly corner of the structure. The storage area will be created out of a portion of the existing two car open carport. The northwest corner of the existing carport is the extent to which the storage area will project into the required side yard. This distance is shown on the Department of Planning and Development records at 9' 2". The existing carport area will be reduced approximately four feet to accommodate an entryway into the existing residence.

The applicant requests relief from the ten foot side yard setback requirement in order to continue the side façade forward from the existing structure which is currently constructed at an angle to the north property line. The new addition will be 12'9" tall to the top of the ridge as measured at the garage entrance.

Existing Nonconformities

The last building permit on file shows the existing carport structure is 9' 2" from the north property line at the most northwesterly corner.

Public Comment

The comment period ended August 13, 2003. Several comment letters were received stating they had no reason to object to the proposal.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The existing property is on a reverse corner lot and is an irregular trapezoid-like shape with the existing residence built at an angle to the north property line. The site slopes down to the east from front to rear. There are currently approximately five foot tall retaining walls supporting the slope at the rear of the site.

Currently the existing structure is built at an angle to the north property line which prevents the applicant from continuing the side facade out over the existing level portion of the site without projecting into the required ten foot side yard.

Two structures within a block of this site have portions of the principal structures projecting into the required side yard. The existing house located at 11343 Durland Avenue NE which is also built at an angle to the side property line is setback 2'11" inches at the closed point. The required side yard on this site is five feet. Another example of encroachment into the side yard is 11520 Durland Avenue N.E. where the existing deck (which was replaced in 1988), is 3'6" from the side yard which is also required to be five feet.

The existing location of the structure in relationship to the property line would deprive the property of rights and privileges enjoyed by other properties in the zone and vicinity. Because the structure is constructed at an angle to the property line, the applicant would not be able to construct an addition that would allow the applicant from continuing the side facade out over the existing level portion of the site without projecting into the side yard. The addition would not be able to be constructed in the rear of the property without disturbing slope areas that are mapped as environmentally critical. Additionally, there are two other structures in the vicinity that also project into their required side yards as mentioned above.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

There are currently two residences on this block that enjoy enclosed two car garages. The applicant proposes this addition in order to create additional storage within the structure and still maintain parking for two vehicles within an enclosed garage.

As mentioned in criterion one above, two structures within a block of this site have portions of the principal structures projecting into the required side yard. The existing house located at 11343 Durland Avenue NE which is also built at an angle to the side property line is setback 2'11" inches at the closest point. The required side yard on this site is five feet. Another example of encroachment into the side yard is 11520 Durland Avenue N.E. where the existing deck (which was replaced in 1988), is 3'6" from the side yard which is also required to be five feet.

To allow minimal projection into the required side yard would not go beyond the minimum necessary to afford relief or constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is located.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

The proposal would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. This addition will be will meet all development standards except the additional projection into the side yard.

The intent of the ten foot side yard setback requirement for a corner lot considered a reverse corner lot is to keep the appearance of a somewhat uniform setback along a block front and prevent intrusion of neighboring structures into the required front yard area of the abutting site. The existing right of way (NE 115th Street) will not likely be improved because of the steepness of the slope and therefore the uniformity to yards will not be as apparent as if there were an improved right of way. The change in topography also creates a sense of separation and would not be as intrusive as if the lots were on level ground.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would not allow the applicants to construct an addition that would be permitted without variance approval if the existing structure was built parallel to the property lines. The shape of the site and location of the existing structure would cause practical difficulties if the applicant were required to build the addition within the confines of the existing Land Use Code requirements.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

The granting of the variance to allow an addition to the front of the house that would be allowed if the existing structure were built parallel to the side property lines and within a setback that would normally be five feet if there were no right of way abutting the side yard. The right of way will not likely be improved so allowing the addition with conditions will be within the spirit and purpose of the Land Use Code.

DECISION – VARIANCE

Variance to allow a portion of the principal structure to project into the required side yard

GRANTED.

Variance to allow expansion of a nonconforming structure in a SF7200 zone **GRANTED.**

Signature: (signature on file) Date: January 1, 2004

Lori Swallow, Land Use Planner
Department of Planning and Development